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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,928

03/30/2006

Cristina Gomila

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24498

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12/22/2008

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EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,928	Applicant(s) GOMILA ET AL.	
	Examiner Tung Vo	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gomila (US 2006/0051068) as set forth in the previous Office Action dated 05/28/2008.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al. (US 6,489,996) in view of Tourapis et al. (US 7,003,035) as set forth in the previous Office Action dated 05/28/2008.

Response to Arguments

5. Applicant's arguments filed 09/16/2008 have been fully considered but they are not persuasive.

The applicant argues that as a result of Gomila's failure to disclose the scaling of the co-located motion vector in accordance with a picture distance, predicting the at least one missing or corrupted data by motion compensating data from both the first previously transmitted picture and a second previously transmitted reference picture in accordance with the scaled co-located motion, vector, pages 7-8 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Gomila discloses determining a co-located motion vector for the co-located macroblock ([0026]; scaling the determined co-located motion vector in accordance with a picture distance ([0028-0030], where local motion vector is inherently in a scale of sub-macroblock as shown in [0026], intra prediction mode is derive each of sub-macroblock of 4x4 pixels within the macroblock (16x16 pixels), and a picture distance [0019]); and predicting (16 of fig. 1, the motion compensation predicts the missing or corrupted data (12 of fig. 1)) the at least one missing or corrupted data by motion compensating data from both the first previously transmitted picture (input picture has a first previous picture) and a second previously transmitted reference picture (input picture has a second previous picture) in accordance with the scaled co-located motion, vector (MOTION VECTORS of fig. 1). This disclosure shows that Gomila clearly anticipates the claimed features.

The applicant further argues that Matsumura clearly relies on the fact motion vectors are always available and that the corrupted data is pixel data, which is different form the present invention, and in fact clearly recites in claim 1 "... determining a co-located motion vector in

accordance with a picture distance; ...". Claim 10 recites "determining a reference index and a motion vector for the co-located macroblock; ...," pages 8-9 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Matsumura teaches the bitstream decoder (200 of fig. 6) detects an error from the bitstream and sends the error reporter (206 of fig. 56), the motion vector decoder (202 of fig. 6) determining a co-located motion vector (e.g. V and Vd of fig. 8) in accordance with a picture distance (FRAME n-1, FRAME n, and FRAME n+1 of fig. 8, note the motion vector decoder enables to obtain a co-located motion vector, e.g. Vd and V of fig. 8). This shows that Matsumura does not always rely on motion vectors, but the motion vector decoder of Matsumura enables to determine a co-located motion vector (fig. 8) for the corrupted pixel data. Matsumura further teaches determining a reference index (e.g. 20 of fig. 8) and a motion vector (e.g. V, Vd of fig. 8) for the co-located macroblock (e.g. 22 and 24 of fig. 8). In view of the discussion above, the claimed features are unpatentable over Matsumura.

The applicant further argues that the combination of Matsumura and Tourapis would not render obvious applicant's claimed invention.

The examiner respectfully disagrees with the applicant. It is submitted that the Matsumura discloses the motion vector decoder determines the co-located motion vector (fig. 8; and determining a reference index (e.g. 20 of fig. 8) and a motion vector (e.g. V, Vd of fig. 8) for the co-located macroblock (e.g. 22 and 24 of fig. 8). Tourapis et al. teaches ISO/ITU H.264 coding standard; and wherein the results are selected in accordance with a boundary strength value of de-blocking in accordance with the ISO/ITU H.264 coding standard (col. 1, lines 28-39; col. 4, lines 20-28; col. 14, lines 50-63). Therefore, it would have been obvious to one of ordinary skill

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in the art to modify the teachings of Tourapis into the Matsumura to significantly improve coding efficiency especially for high/complex motion sequences.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/
Primary Examiner, Art Unit 2621